IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 4026 of 2005

Between:

K.J.N.Prasad, s/o K.Chandrasekhara Naidu,
Plot No.9, S.B.I.Colony, Chittoor, Chittoor District.

..... PETITIONER

AND

1 Government of Andhra Pradesh rep., by its Secretary, Transport, Roads & Buildings (Tr.II) Department, Secretariat at Hyderabad.
2 Transport Commissioner, Andhra Pradesh, B.R.K.Buildings, Tank Bund Road, Hyderabad.
3 Regional Transport Authority, Chittoor, Chittoor District rep., by its Secretary.
4 Secretary, Regional Transport Authority, Chittoor District at Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction preferably one in the nature of writ of mandamus, declaring the action of the 1st respondent in not formulating the town Service Route-Chittoor (M.S.R.Corner) to Bangarupalayam Panchayat Bus Stand, pursuant to the application of the petitioner dated 21-7-2003 as illegal, arbitrary and contrary to law and consequently direct the 1st respondent to formulate the said route forthwith; to enable the petitioner to obtain permits on the said route; and pass such other or further orders as are necessary.

Counsel for the Petitioner:MR.V.NARASIMHA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following at the admission stage:

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P. No. 4026 of 2005

O R D E R:

This writ petition is filed by the petitioner seeking writ of mandamus declaring the action of the 1st respondent in not formulating the Town Service Route – Chittoor (MSR Corner) to Bangarupalyam Panchayat bus-stand in pursuance to the application of the petitioner dated 21.07.2003 as illegal, arbitrary and contrary to law, and consequently to direct the 1st respondent to formulate the said route forthwith to enable the petitioner to obtain permits on the said route.

2. According to the petitioner, he is holding a stage carriage permit on the Town Service Route - Chittoor (M.S.R. Corner) to Gundlakattamanchi (Z.P. High School) via RTC Depot etc., which was granted by the 3rd respondent, and is valid up to 30th November 2006, subject to renewal for every five years under Sec.81 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The petitioner has been operating his stage carriage bus, bearing No.AP.03/U 3655, on the above said route as per the conditions of the permit on payment of tax quite regularly. According to the petitioner, he seeks to run the town service route up to B. Palyam. As the said route was not formulated, though he made an application to the concerned authorities, no orders are passed in spite of the fact that the petitioner obtained permission from the Transport Commissioner, which is required as per law for the grant of permit to the extended route. Therefore, the petitioner made representation before the 1st respondent on 21.07.2003 praying for the formulation of the route, extending the town service route up to Bangarupalyam, as per the directions of the Supreme Court in C.A.No.3715 of 1998. As no orders have been passed, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. It is represented by the learned counsel for the petitioner that as the above route

was not formulated, the petitioner is facing difficulty in obtaining the permit to run the town service route up to Bangarupalyam. The learned counsel also stated that under the similar circumstances in W.P.No.12373 of 2003 this Court passed an order dated 8th July 2003 directing the 1st respondent to dispose of the representation of the petitioner therein by passing appropriate orders, and therefore, the learned counsel sought for a similar order.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Transport, and considered the material on record.

5. As the petitioner is seeking a direction to the Government to dispose of his representation for formulating a new route as contemplated under the provisions of the Act, the 1st respondent is directed to pass appropriate orders, disposing the representation of the petitioner expeditiously, preferably within a period of three months from the date of receipt of a copy of this order, with reference to the formulation of a new route in terms of Sec.68(3) of the Act.

6. The Writ Petition is disposed of accordingly. No costs.

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S. Ananda Reddy, J.

Dt. 14.06.2005

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To

1 The Secretary, Government of Andhra Pradesh, Transport, Roads & Buildings (Tr.II) Department, Secretariat at Hyderabad.
2 The Transport Commissioner, Andhra Pradesh, B.R.K.Buildings, Tank Bund Road, Hyderabad.
3 The Secretary, Regional Transport Authority, Chittoor, Chittoor District.
4 The Secretary, Regional Transport Authority, Chittoor District at Chittoor.

5. 2 CCs to G.P. for Transport, High court of A.P. Hyderabad (OUT)'

6. 2 C.D. copies.